

1 Sean P. Flynn (SBN 15408)
2 **GORDON REES SCULLY MANSUKHANI**
3 1 East Liberty Street, Suite 424
4 Reno, Nevada 89501
5 Telephone: (775) 467-2610
6 E-Mail: sflynn@grsm.com

7 Andrew R. Schindler
8 *Pro Hac Vice*
9 **GORDON REES SCULLY MANSUKHANI**
10 Miami Tower
11 100 SE Second Street, Suite 3900
12 Miami, FL 33131
13 Telephone: 305-428-5329
14 E-Mail: aschindler@grsm.com

15 **Attorneys for Defendants**
16 NEW RELIEF, LLC, DBA VITAMAX; DAVID H.
17 SCHINDLER, MATTHEW J. SCHINDLER;

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 EVIG, LLC,

21 Plaintiff,

22 v.

23 NEW RELIEF, LLC, a Florida limited liability
24 company, dba VITAMAX; DAVID H.
25 SCHINDLER, MATTHEW J. SCHINDLER;
26 DOES I through X and ROE Corporations or
27 Business Entities I through X, inclusive,

28 Defendants.

Case No. 2:24-cv-00065-RFP-BNW

**JOINT DISCOVERY PLAN
PURSUANT TO RULE 26(F)**

**[SPECIAL SCHEDULING REVIEW
REQUESTED]**

29 Pursuant to Federal Rule of Civil Procedure 26(f), Local Rule 26-1, and the Court's Minute
30 Order (DE 14), Plaintiff EVIG, LLC ("Plaintiff" or "EVIG") and Defendants Matthew J. Schindler
31 and New Relief, LLC ("Defendants" or "New Relief"), by and through their undersigned counsel
32 of record, after conducting a Rule 26(f) conference, hereby submit the following Joint Discovery
33 Plan:

I. Statement Pursuant To LR 26-1(A) In Support Of Special Scheduling

The parties have agreed to extend the standard discovery period of 180 days commencing from Defendant's first appearance in the case, to 180 days from the parties' Rule 26(f) Conference held on April 8, 2024.

Defendants removed this matter to this Court on January 8, 2024. DE 1. On January 16, 2024, Defendants filed a Motion to Dismiss. DE 8. Briefing is complete on the Motion to Dismiss and the parties are awaiting the Court's decisions on the same. In light of the pending Motion to Dismiss, the parties believe that the additional time to complete discovery in an efficient manner is warranted. Accordingly, the parties propose a discovery period measured from the parties' April 8, 2024, Rule 26(f) Conference as set forth herein.

II. Joint Discovery Plan

A. Discovery Cut-Off Date:

The parties shall complete discovery by October 6, 2024. As set forth in Section I, the proposed discovery cut-off date is approximately¹ 180 days from the parties' Rule 26(f) Conference and 272 days from Defendant's first appearance in this action.

B. Amending the Pleadings and Adding Parties:

Motions to amend the pleadings and/or add parties shall be filed no later than ninety (90) days prior to the discovery cut-off date, specifically July 8, 2024.

C. Fed. R. Civ. P. 26(a)(1) Initial Disclosures:

The parties will exchange Initial Disclosures no later than Friday, April 22, 2024.

D. Fed. R. Civ. P. 26(a)(2) Disclosure (Experts):

The disclosure of any expert witnesses and reports required by Rule 26(a)(2) shall be made sixty (60) days before the discovery cut-off date, specifically August 7, 2024. The disclosures of any rebuttal experts shall be approximately² thirty (30) days after the initial disclosure of experts, specifically, September 9, 2024.

¹ 180 days from April 8, 2024, lands on a weekend. The deadline has therefore been adjusted to the next business day.

² 30 days after August 7, 2024, lands on a weekend. The deadline has therefore been adjusted to the next business day.

E. Dispositive Motions:

Dispositive motions shall be filed no later than thirty (30) days after the discovery cutoff date, specifically, November 5, 2024.

F. Joint Pretrial Order:

The Joint Pretrial Order shall be filed not later than thirty (30) days after the date set for filing dispositive motions, specifically December 5, 2024. Pursuant to LR 26-1(b)(5), in the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the entry of a decision on the dispositive motions or upon further order of the Court.

G. Fed. R. Civ. P. 26(a)(3) Disclosures:

The parties shall make all disclosures required by Rule 26(a)(3) at least thirty (30) days before trial. Objections to such disclosures shall be made within twenty (20) days thereafter.

III. Alternative Dispute Resolution

The parties certify that they have met and conferred about the possibility of using alternative dispute resolution processes including mediation, arbitration, and if applicable, early neutral evaluation. The parties agree that any formal ADR process would be premature at this time.

IV. Alternative Forms Of Case Disposition

The parties certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program. The parties do not consent to magistrate judge jurisdiction.

V. Electronic Evidence

Disclosure or discovery of electronically stored information should be handled as follows:

All electronic files are to be produced in their native format as kept in the ordinary course of business. Metadata shall not be removed from any file prior to production.

Prior to production of any electronically stored information, if such information or materials cannot reasonably be produced in its native format, the parties will meet and confer regarding to form of production, and in the event of a dispute F.R.C.P. 26(b)(2) shall control.

1 **VI. OTHER ORDERS**

2 The parties discussed that entry of a stipulated protective order and confidentiality
 3 agreement pursuant to Federal Rule of Civil Procedure 26(c) may be appropriate in this case. If the
 4 parties agree that such a protective order is appropriate, they will promptly present that stipulated
 5 protective order to the Court for review and approval. Nothing herein shall prevent any party from
 6 seeking entry of a protective order to Federal Rule of Civil Procedure 26(c) on any grounds, nor
 7 shall the contemplation of seeking a stipulated protective order constitute a waiver of any right to
 8 seek such an order under Federal Rule of Civil Procedure 26(c) for any purposes.

9 Dated: April 11, 2024

12 **GORDON REES SCULLY MANSUKHANI**

13 s/Kurt K. Harris
 14 KURT K. HARRIS, ESQ.
 Nevada Bar No. 05354
 14 4730 S. Fort Apache Road
 Suite 300
 15 Las Vegas, Nevada 89147
 Counsel for Plaintiff EVIG, LLC

s/Sean P. Flynn
 Sean P. Flynn
 Andrew R. Schindler
 Attorneys for Defendants New Relief, LLC,
 and Matthew J. Schindler

18 **IT IS SO ORDERED**

19 **DATED:** 5:11 pm, April 12, 2024

20 

21 **BRENDA WEKSLER**
 22 **UNITED STATES MAGISTRATE JUDGE**